

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN SIMMONS, *et al.*, on behalf of themselves
and other similarly situated persons; and
MASSACHUSETTS SENIOR ACTION COUNCIL,

Plaintiffs,

v.

CHARLES D. BAKER, *et al.*,

Defendants.

CIVIL ACTION NO.
1:22-cv-11715-PBS

PLAINTIFFS' MOTION FOR LIMITED CLASS DISCOVERY

Pursuant to Fed. R. Civ. P. 26(b)(1), Plaintiffs John Simmons, David Marsters, Lorraine Simpson, Sherri Currin, Carole Chojnacki, Richard Caouette, and Donald Grant (hereafter "Individual Plaintiffs"), as well as the Massachusetts Senior Action Council, respectfully move for an order from the Court authorizing limited class discovery. In support of their Motion, the Plaintiffs state that:

1. Limited class discovery is necessary to preserve the standing of the Individual Plaintiffs and their ability to represent the class. Since the Plaintiffs filed their Complaint on October 11, 2022, Defendants have been working aggressively to moot the claims of almost all of the Individual Plaintiffs. The guardian, Sara Spooner, and next friend, Nancy Pomerleau, have been contacted multiple times by various state agencies pursuing new Pre-Admission Screening and Resident Review (PASRR) evaluations and, in some cases, discharge and transition planning for the Individual Plaintiffs. *See* Affidavit of Sara Spooner, ¶¶ 3-8, attached as Exhibit 1 (Spooner Aff.); Affidavit of Nancy Pomerleau, ¶¶ 6-7, attached as Exhibit 2 (Pomerleau Aff.). Prior to the filing of the Complaint, neither had received communications

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3/6/23.
Denied. However,
discovery shall start
forthwith subject to
the local rules. as
requested by counsel
the rule schedule on
conference shall take place 4/3/23.
C. Pomerleau